

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 28, 32, 41, 43, and 53-95 remain pending in the application. Claims 28, 32, 41, 43, 53, 55, 57, 68, 80, 83, 86, 89 and 92 are independent claims. By the foregoing amendment, claims 28, 41, 43, 53, 57, 68, 80, 83, 86, 89 and 92 are amended. No new matter is added.

Applicants acknowledge with appreciation the Examiner's indication that claims 32, 55 and 56 are allowed (paragraph 12 of the Office Action), and the indication that claims 66, 67, 78 and 79 contain allowable subject matter (paragraph 13 of the Office Action).

Regarding dependent claim 95, while paragraph 2, page 2 of the Office Action acknowledges its pending status, the Office Action does not appear to particularize the basis for the rejection of claim 95, if it is rejected. Applicants respectfully request an explicit statement as to the status of claim 95.

In paragraph 4, pages 2 and 3 of the Office Action, claims 89 and 92 stand rejected as being anticipated by U.S. Patent No. 5,767,835 (Obbink et al.). In paragraph 6, pages 3 and 4 of the Office Action, claims 28 and 80-88 stand rejected as being unpatentable over U.S. Patent No. 5,359,712 (Cohen et al.) in view of U.S. Patent No. 5,754,094 (Frushour). In paragraph 7, pages 4 -6 of the Office Action, claims 53, 54, 57, 58 and 61-64 stand rejected as being unpatentable over U.S. Patent No. 6,049,328 (Vanderheiden) in view of the Frushour patent. In paragraph 8, pages 6-8 of the Office Action, independent claims 41 and 43 stand rejected as being unpatentable over U.S. Patent No. 5,374,924 (McKiel, Jr.) in view of the Frushour patent. In paragraph 9, pages 9-12 of the Office Action, claims 59, 60, 65

and 68-77 stand rejected as being unpatentable over the Vanderheiden patent, in view of the Frushour patent, and further in view of the McKiel, Jr. patent. In paragraph 10, page 12 of the Office Action, claims 90, 91, 93 and 94 stand rejected as being unpatentable over the Obbink et al. patent in view of the Frushour patent. These rejections are respectfully traversed.

Applicants have disclosed a method for providing sound effects in which, among other disclosed features, an output characteristic of a sound effect can be varied using a data structure which includes variable parameters associated with at least one of gain, delay and pitch of an identified sound (e.g., page 8, and specifically at lines 18-28). Applicants have further disclosed that frequency variation can be introduced to provide some auditory variety in both the one-shot and looping sound effects (e.g., page 11, lines 14-16). Accordingly, a common identified sound can be varied to produce different sound effects for different state transitions by varying one or more of these output parameters (page 8, lines 24-26). Advantageously, small adjustments in a recorded sound effect can be made without actually re-recording the effect (page 8, lines 26-28).

Further, Applicants have disclosed that the frequency for playback can be selected from within a frequency envelope centered at the originally recorded frequency (e.g., page 11, lines 18 and 19). For example, selection of a frequency from within the envelope can be weighted such that frequencies closer to the originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope (e.g., page 11, lines 27-29; Fig. 9).

Independent Claims 28, 41, 43, 53, 57, 68, 80, 83, 86, 89 and 92

Independent claims 28, 41, 43, 53, 57, 68, 80, 83, 86, 89 and 92 are amended. For example, claim 28 is amended to recite "wherein the pitch of an identified sound is selected from within an envelope which is weighted such that frequencies closer to an originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope."

The applied references, when considered individually or in the various combinations as suggested by the Examiner, would not have taught or suggested at least these claimed features.

The Obbink et al. patent would not have taught or suggested at least these claimed features. Rather, the Examiner relies on the button 4 as shown in Figs 3A-F of the Obbink et al. patent and the accompanying audio associated with each button (col. 7, lines 4-15; col. 8, lines 9-20). However, the button 4 and the accompanying audio of the Obbink et al. patent would not have taught or suggested at least "wherein the pitch of an identified sound is selected from within an envelope which is weighted such that frequencies closer to an originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope," as recited in claim 28, and as similarly recited in claims 80, 83, 86, 89 and 92.

Regarding the Cohen et al. patent, the Examiner cites a disclosure in the Cohen et al. patent of an audio transition in which audio signals of two streams are modified. However, the disclosure of two streams that are modified in the Cohen et al. patent would not have taught or suggested at least "wherein the pitch of an identified sound is selected from within an envelope which is weighted such that frequencies closer to an originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope," as recited in claim 28. Claims

80, 83 and 86 similarly recite "wherein the pitch of said produced sound effect is selected from within an envelope which is weighted such that frequencies closer to an originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope."

Regarding the McKiel patent, on page 7 of the Office Action, the Examiner admits that "McKiel does not explicitly teach using a data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary the produced sound effect." Further, Applicants respectfully submit that the McKiel patent would not have taught or suggested at least "wherein the pitch of an identified sound is selected from within an envelope which is weighted such that frequencies closer to an originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope," as recited in claims 41 and 43.

Regarding the Vanderheiden patent, on page 10 of the Office Action, the Examiner admits "Vanderheiden fails to teach a processor for controlling the speaker to produce said sound effect in response to movement of the object from the first display position and does not expressly teach using at least one data structure which includes a variable parameter associated with at least one of gain, delay and pitch of an identified sound to vary at least one of the sound segments." Further, at least for these reasons, Applicants submit that the Vanderheiden patent would not have taught or suggested at least "reproducing said sound effect using said varied output characteristic, wherein the pitch of the identified sound effect is selected from within an envelope which is weighted such that frequencies closer to an originally recorded

frequency are more likely to be selected than frequencies toward the edges of the envelope," as recited in claim 53, and as similarly recited in claims 57 and 68.

The Frushour patent does not cure the deficiencies of the Obbink et al. patent, the Cohen et al. patent, the McKiel patent and the Vanderheiden patent. Rather, as relied upon by the Examiner, the Frushour patent merely discloses a sound generating apparatus 10 as shown in Fig. 2, and the manner in which each subset of sounds is selected and generated (col. 5, lines 45-61). However, the Frushour patent would not have taught or suggested at least "wherein the pitch of said produced sound effect is selected from within an envelope which is weighted such that frequencies closer to an originally recorded frequency are more likely to be selected than frequencies toward the edges of the envelope," as recited in claim 28, and as variously recited in claims 41, 43, 53, 57, 68, 80, 83, 86, 89 and 92.

Thus, independent claims 28, 41, 43, 53, 57, 68, 80, 83, 86, 89 and 92 are allowable. The applied references, when considered individually or in combination as suggested by the Examiner, do not teach or suggest the features as variously recited in independent claims 28, 41, 43, 53, 57, 68, 80, 83, 86, 89 and 92. The remaining claims are either allowed, or are dependent on the respective independent claim, and recite further advantageous features which further distinguish over the document relied upon by the Examiner. Accordingly, Applicants respectfully submit that the claims are allowable.

Conclusion

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if,

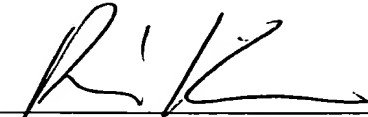
in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 4, 2008

By:

A handwritten signature in black ink, appearing to be 'R. J. Kim', written over a horizontal line.

Richard J. Kim
Registration No. 48360

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620